



# Town of Carlisle

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Office of  
PLANNING BOARD

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## MINUTES

November 24, 2003

Identification and analysis of potential sites for Wireless Communications Facilities [Broadcast Signal Lab and GPR] – Wireless Study Ad Hoc Steering Committee  
Continued Joint Public Hearing with Carlisle Tree Warden of request to review removal of approximately 100 feet of stone wall and one or more 30-inch pine trees within the right of way adjacent to 511 Brook Street, under provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, s.15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of Scott Henderson]  
Request for extension of time to complete Pine Meadow Definitive Subdivision Plan (Davis Road) [Request of William Costello]  
Request for extension of time to complete Wilkins Lane Definitive Subdivision Plan [Request of William Costello]  
Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 8 condominium units of attached housing on three existing lots, to be known as "Carlisle Woods," on Carlisle Street, adjacent to 926 Maple Street (Map 24, Parcels 18, 19 & 20), 2 units to be offered as affordable housing. (Application of Massapoag Real Estate Development Corp, referred by Board of Appeals)  
Request to accept grading and drainage easement on Lot 7 Hart Farm Estates, (Daniels Lane Common Driveway) overlaying Common Driveway utility and trail easement, to accommodate grading for septic system on Lot 8 [Request of Greg and Gigi Bondick]  
Review of Lot 8A Hart Farm Estates to certify completion in accordance with the approved Composite Site Grading and Drainage Plan  
Request for certificate of completion and release of security for Hart Farm Estates Definitive Subdivision Plan [Request of Michael Kenny]  
Associate Members  
Preparation of Community Development Plan to meet requirements of Executive Order #418 [Thomas Planning Services and McGregor & Associates]  
Development of digital town-wide parcel data layer and GIS technical support [Applied Geographics]  
Community Preservation Committee Report

Chair Louise Hara called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board Members Richard Colman, David Freedman, Dan Holzman, Tom Lane and Phyllis Zinicola were present. Member Michael Abend was not in attendance this evening. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were present. *Mosquito* reporter Ali Walsh was present for a portion of the meeting.

### Minutes

The minutes of 10/27/03 were reviewed. Freedman moved to approve the minutes of October 27, 2003 as drafted. Holzman seconded the motion and it carried 5-0-1 with Zinicola abstaining. The Board also reviewed two sets of executive session minutes of the same date. Freedman moved to approve the minutes of the Executive Session regarding Berry Corner Lane litigation dated October 27, 2003, as drafted. Holzman seconded the motion and it carried 5-0-1 with Zinicola abstaining. Freedman also moved to approve the minutes of the Executive Session regarding wireless facilities litigation dated October 27, 2003 as drafted. Colman seconded the motion and it carried 5-0-1 with Zinicola abstaining.

### Budget

Lane noted that the Finance Committee's preliminary FY05 budget guidelines did not make recommendations regarding salary adjustments. Mansfield explained that the Personnel Board would prepare salary recommendations, but Town departments will be expected to make any adjustments within their guideline budgets.

**Identification and analysis of potential sites for Wireless Communications Facilities [Broadcast Signal Lab and GPR] – Wireless Study Ad Hoc Steering Committee**

Hara asked if the steering committee has created a list of questions for David Maxson in order to obtain an estimate for his services. Lane reported that the committee has not met again, but he agreed to contact committee members and determine what information they would like from Maxson.

**Stormwater Management**

Holzman gave a brief summary of a conference he recently attended regarding stormwater management in cold climates. One topic discussed at this conference was the use of pervious pavement to minimize runoff. Holzman noted that this type of pavement looks and wears like standard asphalt pavement and has been installed on the parking lot at Walden Pond since 1973. He suggested that the Planning Board might wish to recommend use of this type of pavement in future development projects.

**Continued Joint Public Hearing with Carlisle Tree Warden of request to review removal of approximately 100 feet of stone wall and one or more 30-inch pine trees within the right of way adjacent to 511 Brook Street, under provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, s.15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of Scott Henderson]**

Tree Warden and DPW superintendent Gary Davis joined the Board for this joint public hearing. The applicant was present and abutter Nancy Weiss of 523 Brook Street was also present.

Henderson apologized for being unprepared to show the Board plans for possible treatments of the retaining wall, and explained that his engineer and landscaper have not been able to prepare plans in time for tonight's meeting. Preliminarily, his engineer informed him that approximately two to three feet of fill could be removed safely from the front of the retaining wall, if necessary.

Weiss said she had not been aware of the public hearing held on October 27th and asked for a summary of that discussion. After receiving a brief summary, she commented that the current retaining wall is either at the same location or further back than the original stone wall. She noted that she had her property line surveyed a number of years ago and judging by the location of the right-of-way in front of her property, Henderson's retaining wall should be within his property line. Davis explained that Brook Street's right-of-way is of variable width and cannot be determined based on a neighbor's measurements.

Weiss also asserted that current pedestrian safety conditions are the same as with the original stone wall and suggested that the Board consider the use of Town-owned property across the street if it wished to widen the road for pedestrian safety. Colman noted that in a scenic road hearing, the PB is limited to discussion of the trees and stone walls within the right-of-way. He suggested that Weiss approach the Board of Selectmen regarding the use of Town-owned property to improve the safety on Brook Street.

Henderson asked the Board if safety or aesthetic issues have higher priority. Hara asked Henderson to keep as much of the wall covered as possible to maximize aesthetic benefit while creating a level area for pedestrian travel if possible.

Freedman moved and Holzman seconded a motion to continue the public hearing to December 8, 2003 at 7:45 p.m. The motion carried 6-0.

**Request for extension of time to complete Pine Meadow Definitive Subdivision Plan (Davis Road) [Request of William Costello]**

After reviewing a November 24, 2003 report on a site inspection recently completed by LandTech, Inc., Freedman moved to extend the time to complete the Pine Meadow Definitive Subdivision Plan to February 15, 2004. Zinicola seconded the motion and it carried 6-0.

**Request for extension of time to complete Wilkins Lane Definitive Subdivision Plan [Request of William Costello]**

Since a final site inspection has not yet been completed, Freedman moved to extend the time to complete the Wilkins Lane Definitive Subdivision Plan to February 15, 2004. Colman seconded the motion and it carried 6-0.

**Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 8 condominium units of attached housing on three existing lots, to be known as "Carlisle Woods," on Carlisle Street, adjacent to 926 Maple Street (Map 24, Parcels 18, 19 & 20), 2 units to be offered as affordable housing. (Application of Massapoag Real Estate Development Corp, referred by Board of Appeals)**

The following members of the public were present for this public hearing: Ed Rolfe, George Vendura, Robert Higgins, Cynthia Nunan and Jim Yan Cheng of Maple Street and Mary Ann Cavanaugh, Robert Braun and William Rudow of Jennings Road in Billerica.

Zinicola disclosed that she works for Massachusetts Housing Finance Agency, which issued the site approval for this project.

Hara explained that the Zoning Board of Appeals will open a public hearing on this application on Thursday December 4<sup>th</sup> and the Planning Board is acting in an advisory capacity to the ZBA.

Hara asked if the ZBA has applied for Massachusetts Housing Partnership's grant, which allows communities to hire a facilitator to guide the permit granting authority through the comprehensive permit process. Mansfield was not sure, and Hara asked him to forward the application letter from Massachusetts Housing Partnership to the ZBA.

Planning Board members had received copies of most of the application and reviewed it at home. The Board agreed that given the conflicting legal opinions regarding access to the site, this issue should be addressed before any other aspects of the application are considered. Zinicola also noted that a portion of the site might be located in Billerica, in which case a joint application would be required. She explained further that before any application may proceed, site control must be established. This means that the applicant must show proof of ownership or the right to develop the property and the legal right to access the property. She suggested that the PB advise the ZBA to require proof of site control before reviewing the application further.

Hara noted that brush cutting may be necessary to improve sight distances along Maple Street, and this would require cooperation with the Town of Billerica. She also noted that the application did not include sufficient drainage and roadway runoff calculations. She recommended requiring full drainage calculations and topographical plans. The Board agreed that the same list of plans that the Planning Board recommended for the Laurel Hollow application should also be required for Carlisle Woods. Holzman also suggested that the septic system designs be reviewed for drainage patterns and that a water quality study be conducted on area wells. He noted that Billerica has had concerns about water quality in this area in the past.

Mansfield observed an apparent error in the grading plans, where the rear property line is shown at 80' elevation and Greenough Pond, located approximately 1000' from the site, is shown at 120' elevation.

The Board also recommended that the ZBA review fire safety issues with the Fire Chief and ascertain if the fire hydrant in Billerica could be used in case of emergency. Mansfield expected that the Chief would require a cistern at this site.

Hara noted that the applicant intends that the road will be private, therefore the ZBA must require a maintenance agreement.

Freedman explained that at the 40B seminar he attended in Concord with Hara and Cindy Nock of the ZBA, it was strongly recommended that the ZBA adopt comprehensive permit rules and regulations to establish requirements for a complete submission. He suggested reminding the ZBA of this recommendation.

Hara opened the floor to the public and Robert Higgins asked why the State would approve this site when there are so many questions regarding access and site control. Zinicola explained that an applicant to a 40B project must first obtain a site

approval letter, which requires only that some very basic findings be met. She noted that these findings primarily determine that the project is financially feasible and meets the basic 40B requirements. Higgins also asked how the Town obtains funding for peer review of the application. Freedman explained that the applicant must pay for the cost of review if required by the ZBA.

**Request to accept grading and drainage easement on Lot 7 Hart Farm Estates, (Daniels Lane Common Driveway) overlaying Common Driveway utility and trail easement, to accommodate grading for septic system on Lot 8 [Request of Greg and Gigi Bondick]**

Mansfield explained that grading for the septic system on Lot 8 crosses the lot line onto Lot 7. A common driveway easement and a trail easement are also located on this portion of Lot 7. The PA reported that while the proposed grading easement coincides with these existing easements, it does not physically affect the common driveway or the trail. The Board of Health has asked the PB to accept this easement as part of the common driveway plan. The Board reviewed the Grant of Easement document signed and recorded by the owner of Lot 7 and Colman moved to accept the easement document as part of the common driveway special permit. Holzman seconded the motion and it carried 6-0.

**Review of Lot 8A Hart Farm Estates to certify completion in accordance with the approved Composite Site Grading and Drainage Plan**

Greg Bondick, owner of Lot 8A, was present. Mansfield gave him a copy of a construction report to the Board from Judith Nitsch Engineering dated 11/20/03. Although the Board's engineer, William Maher, stated that "the lot has been graded to generally conform to the Composite Site Grading and Drainage Plan" the Board was concerned with item #11 which reported puddling in the area of the cistern turnout. Maher recommended regrading this area to direct runoff to the catch basin. The Board reviewed the Composite Grading and Drainage Plan and determined that this area of the lot should actually be drained toward the adjacent wetland, rather than toward the catch basin in the road. Bondick recognized that it is too late in the season for grading activity, and asked the Board what he might do in order to certify completion and obtain an occupancy permit from the Building Inspector. After considerable discussion, the Board suggested that Bondick obtain an estimate from Stamski and McNary for the cost of lowering the culvert and regrading the frontage of Lot 8A to direct runoff toward the adjacent wetland. The applicant should then provide the Town with a deposit for that amount, plus a 20% contingency and 5% inflation factor. In addition to the deposit, the applicant must give the Town written permission to access the property and conduct necessary repairs should the owner default on making these repairs himself. The Board also noted that this permission must run with the land.

Freedman moved to authorize the PA to certify completion of Lot 8A and to inform the Building Inspector thereof, contingent upon receipt of a revised grading and drainage plan for Lot 8A with a cost estimate to conduct the work. The applicant shall provide the Town with a deposit satisfactory to the Town Treasurer in the amount of the estimate plus 20% contingency and 5% inflation. The applicant shall also provide the Town with the legal right to access the property and make repairs if necessary. Zinicola seconded the motion and it carried 6-0. Stam was directed to confer with the Town Treasurer and determine how the performance bond should be presented to the Town.

[Note: On 11/25/03 the PA visited the site with Bondick and Joe March of Stamski and McNary and determined that the puddling described by the Board's engineer did not occur on Lot 8A, but rather in the roadway adjacent to Lot 8A. The lot, therefore, did not require substantial regrading and the occupancy permit was issued with the understanding that the owner would clean out the culvert and the swale leading to it.]

**Request for certificate of completion and release of security for Hart Farm Estates Definitive Subdivision Plan [Request of Michael Kenny]**

The Board reviewed a draft e-mail prepared by the PA to William Maher of Judith Nitsch Engineering. In the draft, Mansfield raised several questions regarding completion of the Hart Farm Estates Definitive Subdivision Plan and asked for clarification and a detailed final report. The Board reviewed the draft and directed the PA to send the e-mail as drafted.

Based on the outstanding issues noted in the above draft e-mail, the Board agreed that the subdivision is not complete and did not act on the request for a certificate of completion.

### Associate Members

Ray Bahr of Hickory Lane, Rich Boulé of Kimball Road and John Williams of Hart Farm Road were present.

Bahr had been interviewed by the Board at their October 27<sup>th</sup> meeting.

Williams introduced himself and stated that he is a new resident of Carlisle, but has lived in Lincoln for ten years. Professionally, he has a financial services and insurance background, but was very active in Lincoln working on Hanscom issue. Williams said he is also interested in open space and would like to become involved in the community. He noted that he is out of town approximately one week per month, but can arrange his schedule to be available for meetings.

Boulé stated that he has been in Carlisle for eight years and has an engineering background. When he lived in Norfolk, MA, Boulé said he chaired the computer advisory commission there. He added that his children are grown and he has time available to become involved in the community.

Hara thanked Bahr, Williams and Boulé for coming forward and offering to become associate members. She said that the Board has already agreed to offer an appointment to Bahr and will decide later this evening whom it should recommend to the BOS for the second position.

Later in the evening, the Board discussed the applicants and agreed that both were well qualified, but chose to recommend Boulé as an associate member. Hara agreed to contact each of the applicants and to encourage Williams to consider election or an appointment in the spring.

### Preparation of Community Development Plan to meet requirements of Executive Order #418 [Thomas Planning Services and McGregor & Associates]

Mansfield had just received a draft report from Carol Thomas at the beginning of the meeting and gave copies to Hara and Freedman as members of the subcommittee.

### Development of digital town-wide parcel data layer and GIS technical support [Applied Geographics]

Mansfield reported that Applied Geographics has completed the first draft and he will meet on Friday Dec. 5<sup>th</sup> to review the work with the Assessor and the ConsCom Administrator. [Later postponed to December 12<sup>th</sup>.]

### Laurel Hollow

Mansfield and Freedman visited the site to review the stone wall and trees within the right-of-way along the Laurel Hollow frontage. They determined that a scenic road public hearing would be required.

### Community Preservation Committee Report

At 11:15 p.m., Freedman moved to go into executive session to discuss potential negotiation of a real estate transaction, not to return to regular session. Lane seconded the motion. The Board was polled: Zinicola-aye, Colman-aye, Lane-aye, Hara-aye, Freedman-aye, and Holzman-aye. The motion carried unanimously.

At 11:35 p.m. Colman moved and Freedman seconded a motion to adjourn. The Board was polled: Zinicola-aye, Colman-aye, Lane-aye, Hara-aye, Freedman-aye, and Holzman-aye, and unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam  
Administrative Assistant